

A

B I L L

TO

Amend the Law relating to Drunkenness and to provide
for the Registration of Clubs in Ireland.

A.D. 1903.

BE it enacted by the King's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

PART I.

AMENDMENT OF LAW AS TO DRUNKENNESS.

1. On application of any wife, and when, in the opinion of a
court, her husband is habitually intemperate and drunk, a court
may, if it see fit, grant to her an order protecting—

Protection
for sober
married
persons.

- 5 (1) Her earnings or separate property.
(2) Anything she has purchased or directed to be purchased
with the same.
(3) The wearing apparel and school requirements of the
children or step-children, and their earnings, if any.
15 (4) Tools, instruments, appliances, materials, or anything
entrusted to her, and not to her husband.
(5) Furniture, bedding, and other articles in use as household
necessaries in the home.
20 (6) Tools, instruments, appliances, or articles in connection
with any work, business, or calling by which a wife or her
children endeavour to earn money, apart from the work,
business, or calling of her husband.

If a husband or any other person wilfully or while under the
influence of drink take away or keep, or damage anything so
25 protected without the wife's consent, the person so offending shall,
on her complaint, be liable to the same procedure and punishment
as if he had committed a common assault on her, and the court in

[Bill 27.]

A

A.D. 1903. addition thereto, or in lieu of such punishment, may require him to find bail for future good behaviour.

In like manner, when, in the opinion of a court, a wife is habitually intemperate and drunk, a husband may be granted a like protecting order, with similar consequences, for—

(1) Furniture, bedding, and other articles in use as household necessities in the home.

(2) The wearing apparel or school requirements of children or step-children, and their earnings, if any.

(3) Tools, instruments, appliances, materials, or anything under his control, and not entrusted to his wife.

Any pawnbroker who, after a written notice of a protection order under this section, receives articles so protected in pawn, without written authority from the applicant for such order, shall be liable to a fine of *two pounds*, and to restore such articles, or pay their value to the said applicant.

No such protecting order shall interfere with any liability of a husband to poor law guardians for relief given to his wife or children.

The court in which such order was granted may rescind or vary the same from time to time.

Drunkards
and em-
ployers.

2. Notwithstanding anything to the contrary in the Employers' and Workmen's Act, 1875, where the breach of contract for which damages may be awarded under that Act includes or consists of drunkenness, or was directly contributed to by drunkenness, the court may award imprisonment in default of payment of damages ordered under the Act, as if such damages were a penal sum.

Penalties.

3. Whoever, while in charge of any person, animal, or thing, endangers person or property not his own, by becoming drunk, shall be liable to a fine of not more than *two pounds*, or imprisonment for not more than *one month*.

Expulsions
of drunkards
by owners of
premises.

4. The owner or manager of any premises may require any constable on duty to arrest and remove from such premises any person in his employment who is there drunk. The same rights of arrest and liability to punishment shall thereupon apply to the drunken person as if such person were drunk on a public thoroughfare.

Drunken
persons on
other people's
property.

5. Any drunken person who by becoming drunk causes any damage to property specified in sections fifty-two and fifty-three of the Malicious Damage Act, 1861, shall be liable to the provisions of said sections as if damage was "wilful or malicious."

6.—(1) Where upon the conviction of an offender the court is satisfied that an order of detention could be made under section one or section two of the Inebriates Act, 1898, then, whether an order of detention is made or not, the court shall order that notice of the conviction, with such particulars as may be prescribed by the Lord Lieutenant, be sent to the police authority for the police area in which the court is situate.

Prohibition of sale of liquor to persons declared to be habitual drunkards, 61 & 62 Vict. c. 60.

(2) Where a court in pursuance of this Act orders notice of a conviction to be sent to a police authority, the court shall inform the convicted person that the notice is to be so sent; and

(a) If the convicted person within three years after the date of the conviction purchases or obtains, or attempts to purchase or obtain, any intoxicating liquor at any premises licensed for the sale of intoxicating liquor by retail, or at the premises of any club registered in pursuance of the provisions of Part II. of this Act, he shall be liable, on summary conviction, to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence forty shillings; and

(b) If the holder of any licence authorising the sale of intoxicating liquor by retail, whether for consumption on or off the premises, or any person selling, supplying, or distributing intoxicating liquor, or authorising such sale, supply, or distribution on the premises of a club registered in conformity with the provisions of Part II. of this Act, within that period, knowingly sells, supplies, or distributes, or allows any person to sell, supply, or distribute intoxicating liquor to, or for the consumption of, any such person, he shall be liable on summary conviction, for the first offence, to a fine not exceeding twenty pounds.

(3) Regulations shall be made by the police authority for the purpose of securing the giving of information to licensed persons and secretaries of clubs registered under Part II. of this Act of orders made under this section, and for assisting in the identification of the convicted persons.

7. Any person who, being on any premises licensed for the sale of any intoxicating liquor, whether for the consumption on or off such premises, shall procure, or attempt to procure, any intoxicating liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming any intoxicating liquor on any premises so licensed as

Penalty for procuring drink for drunken person.

A.D. 1903. — aforesaid, shall be liable, on summary conviction, to a fine not exceeding *forty shillings*, or to imprisonment, with or without hard labour, for any period not exceeding *one month*.

Interpretation of "public place."

8. For the purposes of section twelve of the Licensing Act, 1872, and of this Act, the expression "public place" shall include any place to which the public have access, whether on payment or otherwise.

Penalty for being drunk while in charge of child.

9.—(1) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under 10 the age of *seven years*, he may be apprehended, and shall, if the child is under that age, be liable, on summary conviction, to a fine not exceeding *forty shillings*, or to imprisonment, with or without hard labour, for any period not exceeding *one month*.

(2) If the child appears to the court to be under the age of 15 seven the child shall, for the purpose of this section, be deemed to be under that age unless the contrary is proved.

61 & 62 Vict. c. 60.
35 & 36 Vict. c. 94.

(3) The offence under this section shall be included in the list of offences mentioned in the First Schedule to the Inebriates Act, 1898, and in section sixty of the Licensing Act, 1872.

20

Power to require person convicted of drunkenness to give security for good behaviour.

10. Where a person is convicted of any offence mentioned in the list of offences contained in the First Schedule to the Inebriates Act, 1898, as amended by this Act, the court may either, in addition to or in substitution for any other penalty, order the offender to enter into a recognizance, with or without sureties, to be of good 25 behaviour.

Drunkards in tenement houses.

11. In or upon the premises of any house let in rooms or sets of rooms, to members of different families or to different room-keepers, any person who while drunk uses profane or obscene language, or is noisy without lawful excuse, to the annoyance of 30 inmates of portions of the house other than his own, shall be liable at the suit of any person so annoyed, to a penalty not exceeding *forty shillings*, or *one month's* imprisonment in default; or instead of or in addition thereto he shall be liable to find securities for his good behaviour or be imprisoned for one month in default. 35

PART II.

REGISTRATION OF CLUBS.

Registration of clubs.

12.—(1) The secretary of every club which occupies a house or part of a house or other premises which are habitually used for

the purposes of a club, and in which any intoxicating liquor is supplied to members or their guests, shall cause the club to be registered in manner provided by this Act.

A.D. 1903.

(2) The registration of a club under this Act shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

13.—(1) The clerk of every petty sessions district shall keep a register of all such clubs within the district.

Form of
register.

(2) The register shall be in a form prescribed by the Lord Lieutenant, and shall contain—

(a) The name and objects of the club ;

(b) The address of the club ;

(c) The name of the secretary ;

(d) The number of members ;

(e) The rules of the club relating to—

i. The election of members and the admission of temporary and honorary members and of guests ;

ii. The terms of subscription and entrance fee, if any ;

iii. The cessation of membership ;

iv. The hours of opening and closing ; and

v. The mode of altering the rules.

(3) The secretary of every such club shall, in the month of *January nineteen hundred and four*, and in the month of *January* in each succeeding year, furnish to the petty sessions clerk a return, signed by the secretary, giving the above-mentioned particulars, together with a signed statement that there is kept upon the club premises a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions.

(4) Where after the commencement of this Act a new club requiring registration is about to be opened the secretary shall, before the opening of the club, furnish a return, signed by him, to the petty sessions clerk, giving the above-mentioned particulars.

(5) The petty sessions clerk shall keep the register of clubs corrected up to date in accordance with the returns furnished by the secretaries, and the register shall, at all reasonable hours, be open to the inspection of an inspector or superintendent of police, or an officer of the inland revenue, without fee, and of any person on payment of a fee not exceeding *one shilling*.

[27.]

A 3

A.D. 1903.

(6) A fee of *five shillings* shall be payable to the petty sessions clerk on each return made by a secretary of a club.

Penalty for
supplying or
keeping
liquor in un-
registered
club.

14.—(1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club, the person supplying or selling such liquor shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding *one month*, or to a fine not exceeding *fifty pounds*, or to both.

(2) If any intoxicating liquor is kept for supply or sale on the premises of an unregistered club, every officer and member of the club shall be liable on summary conviction to a fine not exceeding *five pounds*, unless he proves to the satisfaction of the court that such liquor was so kept without his knowledge or against his consent.

Supply of
liquor for
consumption
off the
premises.

15. Intoxicating liquor shall not be supplied in a club for consumption off the premises; and if any person supplies or obtains any intoxicating liquor in contravention of the provisions of this section, he shall be liable, on summary conviction, to a fine not exceeding *ten pounds*.

Striking off
register.

16.—(1) Where a club has been registered in pursuance of this Act a court of summary jurisdiction on complaint in writing by any person may, if it thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds, namely—

- (a) That the club has ceased to exist, or that the number of members is less than twenty-five; or
- (b) That it is not conducted in good faith as a club; or
- (c) That there is frequent drunkenness on the club premises;
or
- (d) That illegal sales of intoxicating liquor have taken place on the club premises; or
- (e) That persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or
- (f) That the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence has been forfeited or the renewal of a licence has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club;
or

(g) That persons are habitually admitted as members without an interval of at least forty-eight hours between their nomination and admission; or

(h) That the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person, if any, as the court may direct.

(4) Where the court makes an order striking a club off the register the court may, if it thinks fit, by that order further direct that the premises occupied by the club shall not be used for the purposes of any club which requires registration under this Act for a specified period, which may extend to *twelve months* in case of a first order, or in case of a second or subsequent order to *five years*; provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the court.

17.—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or that any intoxicating liquors is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any constable named therein.

Search
warrant.

(2) A search warrant granted under this section shall authorise the constable named therein to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

18.—(1) If the secretary of any registered club or any club which requires to be registered omits to make any return required by this Act, he shall be liable on summary conviction to a fine not exceeding *twenty pounds*, and in the case of a second or subsequent offence to imprisonment, with or without hard labour, for a term not exceeding *one month*, or to a fine not exceeding *fifty pounds*, or to both.

Penalty for
false returns,
&c.

(2) If the secretary of any such club knowingly makes a return which is false in any material particular, he shall be liable

A.D. 1903. on summary conviction to imprisonment, with or without hard
— labour, for a term not exceeding *three months*, or to a fine not
exceeding *fifty pounds*, or to both.

Definitions.

19. For the purposes of this Act—

The expression "secretary" includes any officer of a club or 5
other person performing the duties of a secretary, and in
the case of a proprietary club where there is no secretary,
the proprietor of the club; and

The expression "unregistered club" means a club which
requires under this Act to be registered but is not 10
registered, or which has been struck off the register.

20. In the police district of Dublin metropolis—

(a) The principal clerk at each police court shall be
substituted for the clerk of petty sessions; and

(b) Any divisional magistrate acting at a police court 15
within the police district of Dublin metropolis shall be
substituted for justice of the peace.

21. The word court in this Act means "court of summary
jurisdiction."

All proceedings under this Act shall be subject to the 20
Summary Jurisdiction Acts, as defined in the Interpretation Act,
1889.

Extent and
short title.

22. This Act shall apply to Ireland only, and may be cited
as the Drunkennes and Registration of Clubs (Ireland) Act,
1903.